

Charles M. Rubio P.C.  
PARKINS LEE & RUBIO LLP  
TX Bar No. 24083768  
50 Main Street, Suite 1000  
White Plains, NY 10606  
Email: crubio@parkinslee.com  
Phone: 212-763-3331

*Counsel to Kapitus Servicing, Inc.*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

In re:

CARROLL JAMES LEBOUF, III and  
CHALLIS LEE LEBOUF

Joint Debtors.

CASE NO. 20-43914

CHAPTER 13

KAPITUS SERVICING, INC. as servicing  
agent of Discount Merchant Funding

Plaintiff,

v.

CARROLL JAMES LEBOUF, III

Defendant.

ADVERSARY NO: 21-04022-MXM

**AFFIDAVIT OF CHARLES M. RUBIO IN SUPPORT  
OF REQUEST FOR ENTRY OF DEFAULT**

CHARLES M. RUBIO, being duly sworn, deposes and says:

1. I submit this Affidavit in support of the Request for Entry of Default.
2. I am a partner of the law firm Parkins Lee & Rubio LLP, counsel to Kapitus Servicing, Inc. ("Kapitus"). I am over the age of 18 years, and not a party to the above-captioned

action.

3. The statements in this Affidavit based on my personal knowledge.

4. On April 12, 2021, Kapitus commenced the above-captioned adversary proceeding against Carroll James LeBouef, III (the "Defendant") by filing an Adversary Complaint (the "Complaint") [ECF 1].


5. The Complaint establishes the value of the claims at a sum certain of \$936,446.53 as of December 31, 2020 [ECF 1 ¶ 9].

6. On April 13, 2021, the Clerk of the Court issued the Summons in this Adversary Proceeding [ECF 5]. The Summons directed that any answer or response to the Complaint should be filed within thirty days of the issuance of the Summons.

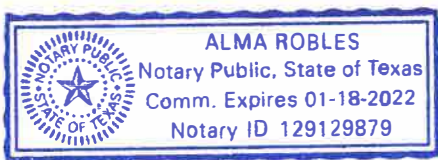
7. On April 19, 2021, true and correct copies of the Summons and Complaint were served on Defendant, as evidenced by the Certificate of Service filed with the Court on April 23, 2021 [ECF 6].

8. As of the date of this filing, Defendant has failed to answer the Complaint.

Dated: May 21, 2021

  
Charles M. Rubio

Sworn to before me this 21st day of May, 2021.



  
Notary Public